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The situation in the Middle East

Report of the Secretary-General*

Summary

The present report contains replies received from Member States in response to the Secretary-General's note verbale dated 12 April 2004, concerning the implementation of the relevant provisions of General Assembly resolutions 58/22, entitled "Jerusalem", and 58/23, entitled "The Syrian Golan", both of 3 December 2003.

* The present report is being submitted on 12 October 2004 in order to include as much updated information as possible.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolutions 58/22 and 58/23, both of 3 December 2003. In its resolution 58/22, the Assembly deplored the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980), and called once more upon those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations. In its resolution 58/23, which deals with Israeli policies in the Syrian territory occupied by Israel since 1967, the Assembly demanded once more that Israel withdraw from all the occupied Syrian Golan to the line of 4 June 1967 in implementation of the relevant Security Council resolutions.

2. In order to fulfil his reporting responsibility under Assembly resolutions 58/22 and 58/23, on 12 April 2004 the Secretary-General addressed notes verbales to the Permanent Representative of Israel to the United Nations and to the Permanent Representatives of other Member States, requesting them to inform him of any steps that their Governments had taken or envisaged taking in regard to the implementation of the relevant provisions of those resolutions. As at 30 September 2004, replies had been received from Estonia, Israel, the Netherlands, Switzerland and the Syrian Arab Republic. Those replies are reproduced in section II of the present report.

II. Replies received from Member States

Estonia

[Original: English]

1. Estonia has no diplomatic representation in Israel and is therefore not affected by General Assembly resolution 58/22 concerning diplomatic missions to Jerusalem.

2. Concerning Assembly resolution 58/23 on the Syrian Golan, we can assure you that Estonia does everything in its capacity to ensure the resumption of the peace process and implementation of Security Council resolutions 242 (1967) and 338 (1973).

Israel

[Original: English]

1. As the Secretary-General is aware, Israel voted against these resolutions, and against similar resolutions adopted by the General Assembly at previous sessions. In the light of the urgent need to bring an end to all acts of violence and terrorism in the region and to further the agreed negotiation process, Israel wishes to put on record, once again, its position on this matter.

2. Israel views the aforementioned General Assembly resolutions as unbalanced documents that threaten to prejudge the outcome of the Middle East peace process. The one-sided approach reflected in these resolutions undermines a fundamental principle of the peace process, according to which the achievement of a just and lasting peace in the region is possible only through direct bilateral negotiations.

3. The time to put an end to such biased United Nations resolutions is long overdue, requiring immediate and serious consideration by the Secretary-General. These one-sided resolutions are not only out of touch with reality and anachronistic, they are counterproductive to the very spirit of peace. Rather than promoting a vision which recognizes the rights and obligations of both sides, as articulated in the Road Map, these resolutions obscure the efforts of the parties to achieve a negotiated outcome, at a moment when Prime Minister Sharon's courageous disengagement plan has opened a critical window of opportunity in the peace process.

Netherlands

[Original: English]

The Netherlands is in compliance with Security Council resolution 478 (1980). Furthermore, the Netherlands, through the European Union and elsewhere, actively participates in and encourages international efforts, such as those undertaken by the Quartet for the Middle East, aimed at reaching a lasting peace in the region.

Switzerland

[Original: French]

The Permanent Mission of Switzerland informs the Secretariat that Switzerland has no specific contribution to make in this regard.

Syrian Arab Republic

[Original: Arabic]

1. The Syrian Arab Republic, which supported General Assembly resolution 58/23, entitled "The Syrian Golan", affirms once again the absolute need for Israel to end the occupation of the Syrian Golan, to comply with Security Council resolution 497 (1981) and to commit itself to implementing Security Council resolutions 242 (1967) and 338 (1973), with a view to achieving a just and comprehensive peace.

2. The Syrian Arab Republic, which believes that a just and comprehensive peace in the Middle East can be brought about only through a just and comprehensive peaceful settlement, was party to the universality of Arab States that adopted the Arab peace initiative at the Beirut Summit in 2002. It has also firmly established its strategic choice, based on the achievement of a just and comprehensive peace, through the appeal of its President for a resumption of the peace talks from the point where they had left off, with a view to building on the progress that had been made in the peace negotiations that followed the Madrid Conference in 1991.

3. The General Assembly, in its resolution 58/23, declared Israel's decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan null and void and without any validity whatsoever, and called upon Israel to rescind that decision. Israel should also comply with the General Assembly resolutions concerning the Syrian Golan, including resolution 58/100 of 9 December 2003, in particular paragraphs 2 to 5 thereof, in which the Assembly called upon Israel to

desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan.

4. The Government of the Syrian Arab Republic sees in the decision taken by the Government of Israel on 31 December 2003 to increase the number of its settlements and expand settlement activity in the occupied Golan an indication of Israeli intentions to hold the resolutions of the Security Council and the General Assembly in contempt, including General Assembly resolution 58/98 of 9 December 2003, in which the Assembly reiterated its demand for the complete cessation of all Israeli settlement activities. The Syrian Arab Republic also views the despotic Israeli decision as wrecking the peace process and further entrenching the occupation, rather than ending it in accordance with the principle of land for peace.

5. The Syrian Arab Republic reaffirms its support for General Assembly resolution 58/22, entitled "Jerusalem", and calls upon the international community to exert pressure on Israel to end its occupation of the Arab territories occupied by it in 1967, including Jerusalem, and to comply with Security Council resolution 478 (1980), in which the Council decided not to recognize the "basic law" on Jerusalem enacted by Israel and affirmed that Israel's decision to impose its laws, jurisdiction and administration on Al-Quds al-Sharif was illegal and consequently null and void and totally lacking in validity.

6. Israel's decision to proceed with the construction of the separation wall within Palestinian territory is a challenge to the will of the international community, expressed in General Assembly resolution ES-10/13 of 21 October 2003, in which the Assembly demanded that Israel stop and reverse the construction of the wall. The Syrian Arab Republic calls upon all States to comply fully with General Assembly resolution 58/22, in particular its third preambular paragraph, which refers to Security Council resolution 478 (1980), in which the Council called upon those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City and to comply with the provisions of the resolution.